

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 36809 of 2007(F)

OS.276/2001 of I ADDL.SUB COURT,ERNAKULAM

PETITIONER:

**MAMMEN MATHEW, S/O K.M.MATHEW,
EDITOR, MALAYALA MANORAMA,
MANORAMA BUILDING, KOTTAYAM.**

**BY ADV. SRI. K.P.DANDAPANI (SR.)
SRI. MILLU DANDAPANI**

RESPONDENTS:

**K.M.SUDHAKARAN, S/O MAMMU,
GENERAL SECRETARY, MADHYA VAYAVASAYA THOZHILALI
FEDERATION, KRISHNAPILLAI BHAVAN,
ERNAKULAM SOUTH, KOCHI 682036, RESIDING AT
KALAVAMPARA VEEDU, NAYARAMBALAM P.O.**

BY ADV. SRI. S.R. DAYANANDA PRABHU

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N. KRISHNAN, J.

= = = = =

W.P.C. NO. 36809 OF 2007

= = = = =

Dated this the 12th day of December, 2007.

J U D G M E N T

This writ petition is filed seeking a direction to the 1st Addl. Sub Court, Ernakulam to remove O.S.276/01 from the list for trial so as to enable the witnesses mentioned in Ext.P1 application to produce the documents sought to be produced therein. I am informed that the suit is one for damages and the application for summoning the document has already been allowed by the Court. Now, what the writ petitioner wants herein is to get the document for the purpose of trial. One cannot consider it as a non-genuine request. It is for the said purpose the documents are sought and when the Court has allowed it is desirable that some time is given for the said purpose. The learned counsel for the other side has also entered appearance and had strongly opposed the writ petition but as I have already referred to when the documents are found to be necessary for the trial

W.P.C 36809 OF 2007

-:2:-

of the case and it has been allowed to be summoned, then a breathing time has to be given for getting the documents and proceed with the trial. Therefore, I direct the learned 1st Addl. Sub Court, Ernakulam to remove O.S.276/01 from the list which is pending before it and post the same in the list for trial on 21.1.08 provided there is no other sessions case stands for trial on that day.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-